

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

CARSO CONSTRUCCION DE
PUERTO RICO, LLC

Employer

and
127828

Case 12-RC-

COMMUNICATION WORKERS OF
AMERICA, LOCAL 3010

Petitioner

ORDER

Petitioner's Request for Review of the Regional Director's Decision and Order is granted as it raises substantial issues warranting review.

On September 30, 2014, the Board issued its decision in FedEx Home Delivery, Inc., 361 NLRB No. 55, in which it restated and refined its approach for assessing independent contractor status. Accordingly, the Board remands this proceeding to the Regional Director for further appropriate action consistent with FedEx Home Delivery, supra, including reopening the record, if necessary.¹

MARK GASTON PEARCE, CHAIRMAN

KENT Y. HIROZAWA, MEMBER

HARRY I. JOHNSON, III, MEMBER

Dated, Washington, D.C., May 28, 2015.

¹ Member Johnson would deny review in accord with his dissenting opinion in FedEx Home Delivery. Nevertheless, he agrees with his colleagues that a remand is appropriate to resolve the independent contractor issue under the test stated by the majority in that case.